

CUSTOMER NO.: 24498
Ser. No. 10/522,111
Date of Office Action: 11/25/08
Response dated: 03/25/09

PATENT
PF020097

Remarks/Arguments

Claims 1 – 3 and 10 – 28 are pending in the application. Claim 1 is independent.

Claim 1 is amended to clarify the subject matter that Applicants regard as the invention. No new matter is added.

Rejection of claims 1 – 3 and 10 – 28 under 35 USC 103(a) as being unpatentable over Parry et al. (US Patent 6,535,920), hereinafter Parry, in view of Official Notice

Applicants submit that for at least the following reasons, claims 1 – 3 and 10 – 28 are patentable over Parry and the alleged Official Notice, either singly or in combination.

Claim 1, in part, requires:

"deallocating at the beginning of file, a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer, to keep constant the size of said file."
(Emphasis added)

Parry discloses the use of a circular buffer but does not explain how this circular buffer is managed and created, therefore it does not say that at initialization, a certain number of resources is allocated to this buffer and also Parry does not teach that the circular buffer has a constant size, and for this each time new resources is allocated to the file, resources, in the same proportion, have to be de-allocated. The circular buffer in Parry is completely different from Applicants' claimed invention.

In the Office Action, page 2, the Office conceded that Parry fails to explicitly disclose that the quantity of storage deallocated in the file is based on the size of the file and on a delay between the read and write pointer. However, the Office took the Official Notice that deallocating a portion of the buffer based on the size of the file and on a delay between the read and write pointer in order to optimize the performance of the buffer by maximizing the amount of storage being stored in the

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buffer without completely filling up the buffer. Applicants submit that, for argument sake, even if it was obvious for a skilled person to deallocate a portion of the buffer based on the size of the file and on a delay between the read and write pointer, the alleged Official Notice would still fail to teach or suggest that the deallocating is performed in such a way that the size of the file is kept constant.

The claimed invention proposes to have a dedicated file for the delayed reading. When a recording medium is used in a device, where several applications can run, such as recording play back delayed reading and so on, it is important to have a dedicated resource for the delayed reading. As mentioned in Applicants' specification, the drawbacks of the prior art is that it is possible to jeopardize the resources of the recording medium by letting the file dedicated to delayed reading increase drastically. In such a case, there is no more room for the recording of other multimedia data on the recording medium. Therefore, the claimed invention proposes to dedicate a fixed number of resources to the delayed reading file, and when some new resources are assigned to this file, some resources of this file are deallocated in the same proportion. Therefore, this file will not jeopardize the resources of the recording medium.

Applicants submit that without the above explicit teaching of deallocating at the beginning of file, a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer, to keep constant the size of said file, as disclosed by Applicants' present application, it is not obvious for a person ordinarily skilled in the art to modify Parry to arrive at the above claimed invention.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Parry. Claims 2, 3 and 10 – 28 depend from and inherit all the features of claim 1. Therefore, claims 2, 3 and 10 – 28 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 3 and 10 – 28 under 35 U.S.C. 103(a) is respectfully requested.

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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at: (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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